

MEMORANDUM FOR: DC [REDACTED]

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VIA : Director of Training

SUBJECT : [REDACTED]

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1. On 1 May 1974 [REDACTED] applied for the restoration of annual leave forfeited for the 1973 leave year. His application for restoration of annual leave was submitted under the authority granted in Public Law 93-181. This Public Law is administered by the Agency in accordance with the guidelines issued by the Civil Service Commission. At the time [REDACTED] applied for the restoration of annual leave, he was a member of the staff of the Career Training Program, Office of Training (CTP/OTR). We have been advised that you, at that time, were the Chief, CTP/OTR, and his supervisor.

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2. [REDACTED] application was among those given careful consideration on 20 June 1973 by a group of senior representatives from the Offices of General Counsel, Finance and Personnel. This committee was established to review all applications for restoration of annual leave forfeited for the 1973 leave year and approved by operating officials to insure that the requests fell within the guidelines for restoration established by the Commission. The committee determined, based on the information submitted, that [REDACTED] application did not fall within these guidelines and recommended that the Director of Personnel not concur in the restoration. For the 1973 leave year, restoration was authorized only in cases where leave could not be taken due to exigencies of major significance (or sickness, not applicable in this case), and not for leave lost due to the circumstances of work load, per se.

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* This memorandum is classified Confidential because [REDACTED] Agency employment may not, at this time, be acknowledged to other than U.S. Government agencies.

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3. [REDACTED] original request indicated he had planned to take leave but that due to a reduction in office strength during an unexpected surge of interviews, he "gave up" his leave to meet deadlines for the January 1974 CTP training class. The committee viewed this as a voluntary surrender of annual leave to handle a work load situation, a common occurrence in this Agency. We viewed this request as similar to the situation in another request for restoration from an employee in the Insurance Branch of the Office of Personnel. The Branch knew early in the year that an open season for enrollment or changes in enrollment would occur between 15 and 30 November. The paper work generated by a somewhat heavier than average number of changes in enrollments, as well as conflicting leave schedules, resulted in an employee of the Branch foregoing his planned leave and forfeiting it. Work generated due to an occurrence (an "open season," a beginning of a class, etc.) which was known in advance would take place does not rise to the level of an exigency of major significance.

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4. [REDACTED] has now appealed the Director of Personnel's non-concurrence. In support of his appeal, he states he was "requested" to give up his leave by his supervisor. In our effort to be as fair as we can to employees, we have pursued all appeals to the maximum extent possible. Therefore, we wish to request your comments as to the accuracy of Mr.

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[REDACTED] statement. Were any other employees requested to surrender (and thereby forfeit) annual leave? Why was [REDACTED] singled out; did he possess some unique ability or attributes? Since the beginning date of the CT course apparently was known well in advance of its commencement, can you provide us with information which indicates some "uniqueness" associated with the interviews scheduled in December 1973, and of the urgency which would qualify this as an exigency of major significance?

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5. [REDACTED] as you are probably aware, retired from the Agency in November 1974. In addition to contacting this Office in December, he apparently has or is about to contact a private attorney to discuss this matter with him. While [REDACTED] has not specifically stated his intention to initiate legal action, we believe this possibility should be considered. Based on the information we have, we see no grounds for a successful lawsuit. Nevertheless, we request you be as accurate and specific in your comments as your recollection of the matter permits.

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OGC: AEG: cap

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Assistant General Counsel
of the Posttension Review Committee)